

MINUTES OF REGULAR MEETING HELD AUGUST 17, 2004

The Regular Meeting of the Borough of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Giaimis, Bertoline, McDonald, Doty, Glaser and Van Deursen who Arrived late (Approximately 8:30 PM).
Present – 6.

Absent: Housel – Absent (Out of town on business)

Also Present: Alan M. Fisher, Borough Manager
Richard P. Cushing, Esq., Municipal Attorney
Robert Miller, C.M.E., Borough Engineer
Linda L. Hendershot, RMC/CMC, Borough Clerk

The Flag Salute was led by the Deputy Mayor.

The following Statement was entered into the Record:

“The requirements of the ‘Open Public Meetings Law’ P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.’

COUNCIL APPEARANCE:

William Miller, Chairman – Planning Board

Manager Fisher explained that Mr. Miller was at a School Board meeting. He asked to be scheduled for another meeting some time in September.

MINUTES:

Regular Meeting – August 3, 2004

The Mayor entertained additions or corrections to the minutes of the regular meeting held August 3, 2004.

Councilwoman Bertoline noted that the vote on Page 5 should be 5 Ayes: instead of 4. She also noted on Page 8, the paragraph where Councilman Housel noted that the telecommunications system was a high priority issue with her. Her concern was condensing the costs of the telephone system.

Hearing no further corrections it was moved by Councilman McDonald, seconded by Councilman Giaimis that the minutes of the regular meeting held August 3, 2004 be approved as corrected.

Ayes: 4, Nays: 0. Abstained: Bertoline.
Motion carried.

Regular Minutes – July 20, 2004

Councilwoman Bertoline wanted to voice her objections to the passage of Resolutions #143 thru #145-2004 that were authorized to be sent to the State DOT for State Aid funding. The resolutions were not part of the agenda and were not on their desks the evening of the meeting. The Council was approving expenditure of funds for amounts they were not privileged to have the figures before them.

The engineer explained that these resolutions were requesting state aid funding and no appropriations have been made. Attorney Cushing also explained that the expenditure of funds would be in the instance of going out to bid.

The appropriations would have to be approved by the governing body. No formal action was taken by the majority of the governing body.

COMMUNICATIONS:

The following communications were entered into the Record; an additional communication was noted as Item #9:

- 1) NJ American Water Re: Rate increases water & sewer;
- 2) Warren County Mosquito Control Commission Re: Water and McKinley and Prosper Way;
- 3) Assemblyman A. DeCroce Re: State Budget;
- 4) Warren Hills Regional School Referendum – September 28, 2004;
- 5) NJ DOT Re: Receipt of grant for \$ 600,000.00;
- 6) Senator F. Lautenberg Re: Tree City USA designation;
- 7) Comcast Re: Program Update;
- 8) Board of Chosen Freeholders RE: Highlands Legislation; and
- 9) State of NJ Re: Washington Municipal Pool Renovation – Green Acres Loan

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications.

It was moved by McDonald, seconded by Giaimis that the communications numbered #1 thru #9 be acknowledged, received and filed.

Discussion:

Councilwoman Bertoline questioned the engineer as to whether he was aware of this long term water problem that is on McKinley Avenue?

Mr. Miller explained that this is a long term problem that has come about as the result of sump pumps from the residences that are being pumped out into the street. The Borough would have to address this as a street project. It is a very complicated problem. As a result of the water being pumped into the road and the grade and crown in this roadway, the water has no where to go but lie in the road. There is really no short term solution to this issue. Manager Fisher noted that in view that it is a health concern you could direct the Code Enforcement Officer to request the residents to remove the sump pumps from the properties. Councilwoman Bertoline suggested that perhaps the ruts in the road be filled in. She also questioned whether this could be a project that state aid could be applied for.

Councilwoman Bertoline questioned whether the governing body should be supporting Item #3 regarding the State budget? Discussion followed at which time the attorney commented on the communication. The issue is politically motivated and he did not recommend that the Council support it. Councilman Giaimis noted that it is not going to be allowed to happen next year. No formal action was taken.

Councilwoman Bertoline congratulated Chairman Doty and the members of the Commission for their Tree City USA designation. Councilman Doty wanted to publicly thank Kathy Halpin, their Secretary for her hard earned work in applying for this designation.

Councilwoman Bertoline addressed the communication on their desks regarding the Green Acres funding which is a loan. Councilman Giaimis noted that the funding must be approved by the state legislature yet.

Vote on Communications: Ayes: 5, Nays: 0. - Motion carried.

AUDIENCE:

Deputy Mayor Glaser entertained remarks from residents on items that were not part of the business agenda.

Pete Winter, 104 Harding Drive was present to address the “No Parking” signs that have recently been placed on Harding Drive. He has been a resident of the Borough for twenty-seven (27) years and did not see any reason to have “No Parking” restrictions on one side of Harding Drive. The ordinance was implemented in 1974 and there has never been “No Parking” signs on Harding Drive. Parking, according to the ordinance is prohibited on the northerly side of the street. If they were going to sign Harding Drive then all of the other streets named in this ordinance should be signed and enforcement being done uniformly for all of these streets.

Manager Fisher noted that the rule of thumb for allowing parking on both sides of a street is when two lanes of cars can traverse the road at the same time.

Mr. Winters noted that Harding Drive is 26'2", S. Prospect Street has a 20' width. There is parking on neither side of the street until you get to Councilman Housel's residence; then it reverts back to both sides of the street. This street is considerably narrower than Harding Drive. Other streets cited that fall into this Code are East and West Church Street, North Prospect Street, South Prospect, N. Pickel, Youmans Avenue, Taft and Presidential. Mr. Winters noted that this Code is thirty (30) years old. Why are we spending all this money for signs on an ordinance that is thirty (30) years old?

The engineer noted that generally the rules of thumb is parking on both sides if a roadway is 30' wide. Streets that are 20' wide there should be parking restricted to one side of the street.

Deputy Mayor Glaser questioned why this ordinance has not been enforced up until now?

Councilwoman Bertoline suggested that this ordinance be looked at again.

Manager Fisher explained that residential site standards come into play also with the implementation of this ordinance. The signs have been missing on many of these streets for up to twenty (20) years. The signs were placed as a result of one resident coming in and complaining. Manager Fisher noted that the engineer could analyze all the streets but it could be very expensive.

Councilman Giamis questioned what action the Council could take?

Manager Fisher noted that the Borough has twenty (20) miles of streets in the Borough. Streets are very often vandalized and signs get removed.

The engineer noted that if Council is going to change parking in the Borough a report must be done by the engineer and certified to the State Department of Transportation.

Mr. Winters noted that the ordinance covered fifty-three (53) streets in the Borough that require signage.

Manager Fisher noted that if you have an ordinance they should be enforced.

Mr. Winters also noted that when the sign was placed it was put in the middle of his property. Through coming into the Manager it took almost a month to have the sign re-positioned. The guideline for placing a “No Parking” sign would be to place it on the boundary line.

Attorney Cushing commented on the ordinance and also reaffirmed that if the Borough has an ordinance on the books it must be enforced. Another option would be to request that the “No Parking” signs be removed and the ordinance would have to be amended or repealed for whatever streets “No Parking” was repealed.

Councilwoman Bertoline noted that it seems like there was a rash of enforcement all of a sudden by the Borough Manager.

Mayor Van Deursen arrived during this discussion and took her seat. Mayor Van Deursen noted that Council’s over the years did not address this issue. She explained that the Council must be very careful when they react to one person’s concern. A whole lot of people are affected now. This should be a lesson well learned. She cautioned Council on making knee-jerking reactions and changes based on one person’s testimony. These concerns should be thought out more thoroughly.

Mayor Van Deursen noted that Council should have the engineer look at all of the streets. We could be accused of doing selective enforcement?

Councilman Giaimis noted that if a resident brings something to our attention it is this Council’s responsibility to do something about it. We need to take a look at each street involved in this ordinance. All streets should be enforced; we must be consistent.

Mayor Van Deursen thanked Mr. Winters for his concerns and comments. The Council welcomes and appreciates being apprised of the residents concerns.

Hearing no further comments from the audience, it was moved by Giaimis, seconded by Bertoline that the audience portion of the meeting be closed.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Van Deursen, seconded by Giaimis that Council directed the engineer with the assistance of the Police Chief to do a study of Harding Drive, Sunrise Terrace, Valley View and Presidential.

Discussion: Councilman McDonald asked if the Council could establish a policy regarding streets with respect to “No Parking” based on their width. The engineer did not think this suggestion was legal. Title 39 establishes guidelines for parking. You cannot provide this type of general classification.

Roll Call: Bertoline, Doty, McDonald, Glaser, Giaimis and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

Mr. Bill Ruane, 121 Harding Drive questioned whether there was any need to go forward with any type of study? There haven’t been problems up until now. The two-car rationale is preposterous. There are few streets in the Borough that could comply with this rule of thumb.

ORDINANCES:

Ordinance #12-2004 – Amending Chapter 39 of the Code – Government Record Fees (Final Passage)

An ordinance amending Chapter 39 of the Code dealing with government record fees was introduced by Councilman Giamis.

Roll Call: McDonald, Van Deursen, Glaser and Giaimis – Ayes: 4,
Bertoline and Doty – 2 Nays.

Motion carried.

The Clerk read Ordinance #12-2004 by title only and stated that this ordinance was published in the Star Gazette as required by law, a copy was posted on the bulletin board and copies available from the Clerk's office upon request.

Mayor Van Deursen opened up the public hearing portion of the ordinance for their questions or comments?

Dawn Higgins, 113 Harding Drive wanted to know what it was going to cost to obtain a public record?

Manager Fisher noted that this amendment is as a result of the Attorney General's opinion. Manager Fisher outlined the changes that dealt with special service charges dealing with extraordinary expenditures requiring time in excess of one hour and inclusion of a fee for domestic partnership certified copies.

Councilman Giaimis noted that the fees are consistent with the state limitations.

Hearing no further questions or comments it was moved by Glaser, seconded by McDonald that the public hearing portion of this ordinance be closed.

Ayes: 6, Nays: 0.

Motion carried.

Council Discussion: Councilwoman Bertoline noted that it was her intention to vote against this ordinance because the definition of substantial or extraordinary has never been addressed.

Hearing no further discussion, it was moved by Glaser, seconded by McDonald that Ordinance #12-2004 be adopted on final passage and that final publication be made as required by law.

Roll Call: Giaimis, Glaser, Van Deursen and McDonald – Ayes: 4,
Nays: Bertoline and Doty.

Motion carried.

ORDINANCE #12-2004

AN ORDINANCE TO AMEND CHAPTER 39 OF THE CODE OF THE BOROUGH OF WASHINGTON KNOWN AS THE GOVERNMENT RECORD FEES ORDINANCE OF WASHINGTON BOROUGH.

WHEREAS, on July 8, 2002, P.L. 1001, C. 404, known as the Open Public Records Act ("OPRA") took effect; and

WHEREAS, the Borough of Washington adopted Ordinance #2-2003 to establish fees and special service charges for copies of government records and miscellaneous documents; and

WHEREAS, on March 14, 2003 the Attorney General rendered an opinion regarding the imposition of a special service charge for a request to inspect government records; and

WHEREAS, on July 10, 2004, P.L. 2003 C. 246, known as the New Jersey Domestic Partnership Law took effect; and

WHEREAS, an amendment will bring the Borough's Government Record Fee Ordinance into compliance with the Attorney General's Opinion and the New Jersey Domestic Partnership Act and is believed to be in the public interest.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that Chapter 39 of the Code of the Borough of Washington is hereby amended as follows with bracketed "[]" text being deleted and underlined text "____" being added:

SECTION I. By amending Section 39-5, Subsection (1) a. to read as follows:

"(1) A special service charge may be applied by the Custodian of Records or his/her designee in the following circumstances:

- A. When the nature, format, manner of collation or volume of a government record embodied in the form of printed matter to be inspected, examined or copies is such that the record cannot be reproduced by ordinary copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request an extraordinary expenditure of time meaning in excess of one hour' or"

SECTION II. By amending Section 39-5, Subsection (1) by adding the following new Subsection (1) e.:

"e. Where a special service charge is to be imposed,, prior to rendering the service that will give rise to the charge, the Custodian of Records or his/her designee shall notify the requestor and give the requestor an opportunity to review the amount to be charged."

SECTION III. By amending Section 39-6, Subsection (2) to read as follows:

"(2) In the event that the nature of a request to view records requires that the Custodian of Records or his/her designee observe or monitor such viewing for a period time exceeding [fifteen minutes] one hour, by the Custodian of Records or his/her designee in accordance with subsection 39-5 (2). Where such a charge is to be imposed, prior to rendering the service that will give rise to the charge, the Custodian of Records of his/her designee shall notify the requestor and give the requestor an opportunity to review the amount to be charged."

SECTION IV. By amending Section 39-3, Subsection 15 to read as follows:

The fees for copies of Government Records shall be:

"(15) Certified Copies of Birth, Marriage, Domestic Partnership or Death Certificates \$ 5.00"

SECTION V. In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

Ordinance #15-2004 – Bond Ordinance providing funding for improvement of the Borough Swimming Pool (First Reading)

An ordinance providing the funding through bonds for the improvement of the Borough Swimming Pool was introduced by Councilwoman Glaser.

It was further moved by Glaser, seconded by McDonald that the Clerk read Ordinance by title only.

Roll Call: Glaser, Giaimis, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #15-2004 entitled, “BOND ORDINANCE PROVIDING FOR IMPROVEMENT OF THE MUNICIPAL SWIMMING POOL IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$ 283,200 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$ 283,200 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.”

Council Discussion:

Councilwoman Bertoline stated that the timing was bad. This is a loan not a grant. The project could be scaled down at this point in time.

Councilman Giaimis pointed out that the money is not there yet. Manager Fisher noted that it is a legislature procedure that is only a formality. The money has been approved.

Councilman McDonald noted that if we do not get the funding through the loan process the ordinance will be null and void.

It was therefore moved by Glaser, seconded by McDonald that Ordinance #15-2004 be approved on first reading.

Roll Call: Glaser, Giaimis, Van Deursen, Doty and McDonald – Ayes: 5,
Nays: Bertoline. Motion carried.

It was further moved by McDonald, seconded by Glaser that the ordinance be published in the Star Gazette on August 26, 2004 and that the public hearing be scheduled for September 21, 2004.

Roll Call: McDonald, Bertoline, Doty, Van Deursen, Glaser and Giaimis.

Ayes: 6, Nays: 0.
Motion carried.

Manager Fisher noted that with our present Debt Service this ordinance would only mean an increase of \$ 8.47 cents a household.

REPORTS:

Prior to moving to accept the reports Councilwoman Bertoline had some questions of the Manager's report. She requested a copy of the Borough Safety Committee meeting report. What was the status of the Emergency Services Cost Recovery ordinances? Manger Fisher will be reviewing the draft of the changes with the department head for finalization. Councilwoman Bertoline inquired as to how the firms were selected for the Railroad Avenue project. Manager Fisher explained that the Recreation Commission reviewed and selected the firms that they felt most qualified to submit Request for Proposals based on their experience and qualifications. Councilwoman Bertoline asked whether the hiring of Charles Alleger would then bring the total Fire Prevention Specialist's up to a total of three people in that office. Manager Fisher indicated yes to her question.

Councilman Giaimis asked when we could expect to have a new Police Officer on board? The Manager felt that a new officer would not be hired until sometime around January.

Hearing no further discussion it was moved by McDonald, seconded by Glaser that the Recreation Commission, Collector-Treasurer's, Borough Manager's, Road Department and Police reports be accepted as presented and filed.

Ayes: 6, Nays: 0.
Motion carried.

VOUCHERS:

Mayor Van Deursen entertained any additions or questions of the vouchers and claims.

Councilman Bertoline questioned the voucher on Page 13 for trucking of stumps. This expenditure quotations were obtained.

Councilman McDonald had a questions with respect to the bill for lights in the court room and Page 5 of which the Manager answered.

Councilman Doty had a question on Page 10 regarding the Nextel bill. This bill was for the Police Department cell phones.

Hearing no further questions or comments it was moved by McDonald, seconded by Glaser that the vouchers and claims be paid in the amount of \$ 240,544.03 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Giaimis, Glaser, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

NEW BUSINESS:

Victor V. Cioni Re: Construction of a Fence

Mr. Victor Cioni submitted a letter and was present to discuss his request with the governing body.

Mr. Cioni would like to construct a fence on his property within the stated drainage easement. The fence would be constructed in such a manner that it would be approximately 4" up off the ground so as not to impede any drainage flow. Because of the depth of his backyard in order to place the fence out of the easement it would cut off the biggest part of his yard for his use. The ground slopes away from the house and it would not deter the water flow.

Mayor Van Deursen recalled receiving a former request for a fence. She asked the engineer what decision was made on behalf of that particular resident. Mr. Miller noted that the request was denied.

Mr. Cioni noted that the fence is not going to inhibit the water flow on his property. He felt that each case should be considered on its own merit.

Manager Fisher noted that Mr. Cioni also has a utility easement on a portion of his property and JCP & Light Company did grant him permission

Mr. Doty questioned Mr. Cioni on the particular department that granted him permission. It is not the department that usually handles these types of requests.

Councilwoman Bertoline questioned whether putting a fence up in this area would be a real problem? Engineer Miller noted that a swale is supposed to be placed on this property as well by the developer and has not been done to date.

It was suggested moving the fence in out of the easement. Mr. Cioni explained that his property is very wide but not very deep, moving the fence in 10' would present a real problem and he would lose the use of the majority of his yard. From a logical standpoint he could not understand where it would prohibit the flow of water by the type of fence he is proposing?

Manager Fisher explained that regulations are put into place for the overall protection of the community. Even with having a letter from an adjacent neighbor supporting this fence; this neighbor may not always be living there.

Mayor Van Deursen explained that when you buy a lot with easements there are restrictions. Prior to purchasing her lot she did a lot of research with respect to the issue of easements. Even though it is and seems logical there are definite restrictions on the use of your property when you have an easement restriction in your deed.

Councilwoman Bertoline questioned whether there was some sort of compromise that could be looked at? Engineer Miller didn't recommend making any exceptions to the drainage easements. You would actually have to do away with them.

Councilwoman Glaser questioned why they couldn't make an exception in this instance. However, Councilwoman Glaser did agree that the engineer is the professional and is advising us on these types of situations.

Councilman Giaimis didn't have a problem with this request.

Councilman Doty noted that it is not allowable to build within a deeded easement.

No formal action was taken.

To consider the Award of the Website Design & Maintenance Services

Mayor Van Deursen asked Councilman McDonald if he had looked at all of the proposals on the Website Design Services. He acknowledged that he had reviewed them.

It was the recommendation of the Mayor to award the bid to City Connections for a bid price of \$ 4,795.00. The Mayor noted that she had called all their references for feedback. She also had contacted Bill Dressel from the League of Municipalities and got an excellent recommendation from the League.

Manager Fisher noted that \$ 3,000.00 was appropriated but there was additional monies in the A & E budget to award this bid. There was monies allocated for the Manager to attend the IMMC Convention that could be used. The web-site would be up and running anywhere between sixty (60) to ninety (90) days.

It was therefore moved by McDonald seconded by Glaser that the bid for the website design be awarded to City Connections for a bid price of \$ 4,795.00.

Roll Call: McDonald, Doty, Van Deursen, Giaimis and Glaser – Ayes: 5,
Nays: Bertoline. Motion carried.

Assembly Bill 2711 – Tax Deferment for deployed military personnel (Requested by Councilman J. Giaimis)

A copy of the legislation was provided to the Council for their consideration. Councilman Giaimis felt that Council should consider a resolution supporting this legislation.

After some discussion, it was moved by Giaimis, seconded by Bertoline that a resolution be prepared for consideration for the next meeting.

Roll Call: McDonald, Bertoline, Doty, Van Deursen, Giaimis and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

Shirley Covert RE: Handicapped Parking Concerns

A letter was received from Shirley Covert requesting that some consideration be given to provide for a handicapped parking space adjacent to the post office and one in the downtown business district near Bach Surgical and Handicapped Supply business.

Council discussed this request and felt that the request had merit.

It was moved by McDonald, seconded by Bertoline that an ordinance be prepared to provide for a handicapped parking spot on E. Church Street adjacent the post office and the State Department of Transportation be requested to provide one between the Washington Hardware parking lot and Belvidere Avenue.

Roll Call: Giaimis, Glaser, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

To authorize the Execution of the Sewer Agreement with the Port Colden Mall

Prior to authorizing the execution of this agreement there was some discussion. Councilwoman Bertoline had some questions on Page 7 and 15 that were discussed with the Attorney which she felt possibly could be contradictory? Also, on Page 16 (A) this section would pre-clude other people from the Township that have water problems from hooking into the Borough's sewer. Attorney Cushing summarized the past history of the Borough and Township's dialogue with respect to the sewer issue and the Township did not want to have any other properties included.

It therefore was moved by Glaser, seconded by McDonald that the Mayor and Clerk be authorized to execute this agreement between the Borough and the Port Colden Mall.

Roll Call: McDonald, Bertoline, Doty, Van Derusen, Giaimis and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #160-2004 – Application to Local Finance Board

Councilwoman Bertoline noted that she did not agree with the passage of the Bond Ordinance for the Green Acres loan, therefore she was not going to vote in favor of this resolution.

It was moved by McDonald, seconded by Giaimis that the following Resolution be adopted:

RESOLUTION #160-2004

**A RESOLUTION OF THE BOROUGH OF WASHINGTON
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40:a2-7(d) AND 40A:26(e)**

WHEREAS, the Borough of Washington desires to make application to the Local Finance Board for its review and/or approval of a proposed bond ordinance (down payment waiver) and nonconforming maturity schedule relating to a Green Acres loan; and

WHEREAS, the Borough of Washington believes:

1. It is in the public interest to accomplish such purpose;
2. said purpose of improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units;
3. the amount to be expended for said purpose or improvements are not unreasonable or exorbitant;
4. the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough Manager, Chief Financial Officer, Financial Advisor, Auditor, Bond Counsel and financial advisor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of the proposed bond ordinance and nonconforming maturity schedule with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Roll Call: Doty, McDonald, Van Deursen, Giaimis and Glaser – Ayes: 5,
Nays: Bertoline. Motion carried.

Resolutions #161-2004 thru #166-2004

The following Resolutions were moved by McDonald, seconded by Bertoline and adopted:

RESOLUTION #161-2004

**A RESOLUTION ESTABLISHING A SPECIAL
PERIOD FOR THIRD QUARTER LOCAL PROPERTY
TAXES IN THE BOROUGH OF WASHINGTON.**

WHEREAS, the printing and mailing of tax bills has been delayed beyond the N.J.S.A. 54:4-64 dates of June 14th; and

WHEREAS, according to State Statute, taxes are due and payable February 1, May 1, August 1, and November 1 and these dates can not be changed; and

WHEREAS, N.J.S.A. 54:4-67 allows the Borough Council to establish a grace period of 25 days from the date that tax bills are mailed; and

WHEREAS, the Borough of Washington has historically given its taxpayers a grace period of 10 days for each tax period.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that the third quarter installment of current year taxes shall not be subject to interest until after September 7, 2004 which is the next business day after the Labor Day Holiday, the additional interest-free period authorized pursuant to R.S. 54:4-67. Any payment received on September 8, 2004 will be subject to interest charged back to the statutory date of August 1, 2004.

Roll Call: Giaimis, Glaser, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #162-2004

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
11.02/4	Tomkovich, Jillian 110 West Washington Ave.	\$ 50.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 50.00 should be mailed to:

Jillian Tomkovich
416 Knowlton Street
Belvidere, NJ 07823

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Glaser, Van Deursen, Doty, Bertoline, Giaimis and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #163-2004

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
80/23	Hahn, Stanley & Lois 79 Youmans Avenue	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Stanley & Lois Hahn
2006 Brookfield Glen Dr.
Belvidere, NJ 07823-2855

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount,.

Roll Call: Bertoline, Van Deursen, Giaimis, Glaser, McDonald and Doty.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #164-2004

**A RESOLUTION AUTHORIZING THE REFUNDING OF
AN OVERPAYMENT OF THE BOROUGH'S
SEWER SERVICE CHARGE.**

WHEREAS, according to the Treasurer's records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
35/39	Fleming, Daniel 224 Belvidere Avenue	\$ 43.00

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 43.00 should be mailed to:

Daniel Fleming
127 Highland Avenue
Highlands, NJ 07732

WHEREAS, the Borough Treasurer's office has received a written request that the above amount be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: McDonald, Doty, Bertoline, Van Deursen, Giaimis and Glaser.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #165-2004

**A RESOLUTION TO CANCEL 2004 TAXES
DUE TO VETERAN EXEMPT STATUS**

WHEREAS, the Tax Collector has been made aware that Block 15, Lot 10, 77 North Lincoln Avenue was purchased by a 100% permanent and total disabled veteran; and

WHEREAS, the Tax Assessor has advised the Tax Collector that an application for the exemption was received and approved as of May 1, 2003 for the effective date of January 1, 2003 but was overlooked for the tax year of 2004.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Tax Collector is authorized to cancel the 2004 Real Estate Property Tax due to the exempt status.

Roll Call: Bertoline, Doty, Giaimis, Glaser, Van Deursen and McDonald.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #166-2004

**D.O.T. GRANT – MID-BLOCK PEDESTRIAN PARKING,
INTERIM PARKING IMPROVEMENT AND COMMUNITY SIGN
FOR THE BOROUGH OF WASHINGTON,
WARREN COUNTY, NJ.**

BE IT RESOLVED, that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of:

Borough of Washington Downtown Improvement

From: Mid block pedestrian crossing – West Washington Avenue (SR 57), interim parking lot improvement (between SR 57 and East Church Street), Community Sign (SR 57 and 31) in the Borough of Washington, County of Warren, State of New Jersey for a distance of N/A miles or such portion thereof as may be approved by the Commissioner of Transportation. The total cost estimate for this improvement is \$ 650,335. The Sponsor requests \$600,335 in State funds and anticipates contributing \$ 50,000.

BE IT RESOLVED that any aid received as a result of this application will only be used for eligible costs for the project.

Type of Improvement

Pedestrian Crossing, Parking Lot and Signs

Roll Call: Bertoline, Doty, McDonald, Giaimis, Glaser and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

Communication – William N. Mavrelis

Councilwoman Bertoline brought up an additional communication that was listed on the agenda as Council information. This communication was from William N. Mavrelis regarding the Serelis property on Rt. 31.

Manager Fisher noted that this is clearly a zoning matter. Attorney Cushing also commented on the communication.

Councilwoman Bertoline noted that he is asking for immediate attention. Council agreed that it should be referred to the Zoning Department.

COUNCIL REMARKS:

Mayor Van Deursen entertained Council remarks from the Council members.

Councilman Giaimis had no remarks.

Councilwoman Glaser had no remarks.

Councilman Doty had no remarks.

Councilwoman Bertoline wanted to thank Police Officer Harrington for his service to the Borough on our Police Department.

Councilwoman Bertoline requested that the issue of costs for tapes be placed on the Council agenda for the next meeting.

Councilman Bertoline reported that she had received a call from Bob Horn who was very disappointed that the Borough did not go out to bid on their telephone system. He could have saved the Borough thousand's of dollars. She was very unhappy with the decision that Council made to go with the State contract.

Councilman McDonald had no remarks.

Mayor Van Deursen also commended the services of Police Officer Harrington and was sorry to see him leave the department.

Manager Fisher noted that it would probably be somewhere around the first of January before a replacement for Police Officer Harrington would come on board.

Mayor Van Deursen asked Councilman McDonald to get in touch with her. She wanted them to get together and prepare a disclosure statement that should go to all of the applicant's applying for the Manager's position.

Council took a short recess at 10 PM and reconvened at 10:20 PM with everyone present.

It was moved by Glaser, seconded by Giaimis that the Council go into Executive Session to discuss Litigation and Personnel Matters.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by McDonald, seconded by Giaimis that the Council go out of Executive Session back into open session.

Ayes: 6, Nays: 0.
Motion carried.

Hearing no further business to come before Council, it was moved by Bertoine, seconded by Glaser that the meeting be adjourned at 11:25 PM.

Ayes: 6, Nays: 0.
Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk